

Applicant : David N. Grose et al.  
Serial No. : 10/039,074  
Filed : December 31, 2001  
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Attorney's Docket No.: 09991-003002

REMARKS

Presently, claims 6-26 are pending, with claims 6, 11, 16, and 21 being independent claims. In this communication, applicants have amended claim 11. We thank the Examiner for his indication that claims 16-26 are in condition for allowance.

The Examiner rejected claims 6-10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of US Patent No. 6,575,558 in view of US Patent No. 6,637,860. US Patent No. 6,575,558 is commonly owned with this application. Applicants are submitting a terminal disclaimer with this response and request that the obviousness-type double patenting rejection be withdrawn.

The Examiner also rejected claims 11-15 under 35 USC §101 as claiming the same invention as that of claims 1-5 of US Patent No. 6,575,558.<sup>1</sup> Applicants have amended claim 11 to recite the limitation of “piezoelectric” in the body of the claim instead of the preamble. Accordingly, applicants submit that claims 11-15, as amended, are not drawn to identical subject matter as claims 1-5 in US Patent No. 6,575,558 and request that the rejection under 35 USC §101 be withdrawn.

Applicants submit that all claims are in condition for allowance, which action is requested.

Enclosed is a \$120 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

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<sup>1</sup> US Patent No. “6,575,550” is cited on page 3 of the office action. Applicants presume that this is a typographical error and ask the Examiner to confirm that the present rejection is in view of US Patent No. 6,575,558, not US Patent No. 6,575,550, in his next communication.

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Respectfully submitted,

Date: 2/2/2005

  
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